

## REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art. Claims 1, 2, 4 - 9, 11 - 16 and 18 - 21 are presented for examination.

### 35 U.S.C. § 112, Second Paragraph, Rejections

The Examiner rejected claims 5 – 7, 12 – 14, and 19 – 21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These claims have been amended according to the Examiner's suggestion.

### 35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 1, 2, 5 – 9, 12 – 16, and 19 - 21 under 35 U.S.C. 103 (a) as being unpatentable over Tamayo et al., U.S. Patent Application No. 2002/0083067 ("Tamayo") in view of Biffar, U.S. Patent No. 6, 397,212 ("Biffar") and in view of KASSEL, "The Last Word on Web Monitoring and Clipping Services", Searcher, Sept. 2000, p. 24 – 35, Proquest ("Kassel").

Claims 1, 8, and 15 include a limitation of receiving a set of search criterion including criterion giving greater or lesser weight to data gathered from certain of the networked sources submitted by a user to generate a data analysis. None of Tamayo, Biffar, or Kassel discloses such a limitation. As a result, claims 1, 8, and 15 are patentable over Tamayo, Biffar, and Kassel.

Specifically, Tamayo discloses a personalization application (Paragraphs 0069-0070). The personalization application personalizes results for each visitor to a website based on navigational behavior, ratings, purchases and demographic data. Tamayo discloses a Web site that personalizes itself for a specific visitor, without input from the

visitor, and not a set of search criterion *submitted by a user* to generate a data analysis. As a result, Tamayo does not disclose the cited limitation.

Biffar discloses a self-personalizing search engine. The user submits a search, and the search engine, based on a user profile and the searches of all users, generates a search result (Col. 3, lines 21-35). The only input received from the user is the search itself. Biffar modifies the search results based on prior user history. Biffar does not disclose giving greater or lesser weight to data gathered from certain of the networked sources based on user preferences, as in claims 1, 8, and 15. As a result, Biffar does not disclose the cited limitation.

Kassel describes a search engine that searches a list of Web sites and publications. The search engine described by Kassel weighs the utility of the sites based on a proprietary list of sites (P. 24, Col. 2). Since the sites are not available or shown to the user, the user cannot weigh the relevance of each site for the search. As a result, Kassel does not disclose the above cited limitation, and claims 1, 8, and 15 are patentable over Tamayo, Biffar, and Kassel.

Claims 2, 5-7, 9, 12-14, 16, and 19-21 depend from one of the independent claims 1, 8, and 15, and include all the limitations of one of the independent claims 1, 8, and 15. Therefore, since claims 1, 8, and 15 are patentable over Tamayo, Biffar, and Kassel, claims 2, 5-7, 9, 12-14, 16, and 19-21 are also patentable over Tamayo, Biffar, and Kassel.

The Examiner rejected claims 4, 11 and 18 under 35 U.S.C. 103(a) as being unpatentable over Tamayo, Biffar, and Kassel in view of FELDMAN, S. "The Answer Machine", The Magazine for Database Professionals, Vol. 8, No. 1, January 2000, Page 58 ("Feldman").

Feldman does not disclose the above-discussed limitation. Since claims 4, 11, and 18 all depend from one of the above-discussed independent claims, they include all the

limitations of one of the above-discussed independent claims. As a result, since the above-discussed independent claims are patentable over Tamayo, Biffar, and Kassel, claims 4, 11, and 18 are patentable over Tamayo, Biffar, Kassel, and Feldman.

CONCLUSION

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Arlen M. Hartounian at (408) 720-8300.

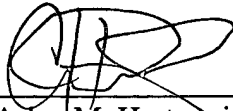
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

4/13/05



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